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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,430	02/19/2002	Yusuke Yamada	00684.003330	2274

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NEW YORK, NY 10112

EXAMINER
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BRAUN, FRED L

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/076,430

Applicant(s)

YAMADA ET AL.

Examiner

Fred L. Braun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 18, 19/1, 20, 21, 30/20, 39, 40/30/20, 41, 42, 51/41 and 60 is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Continuation of Disposition of Claims: Claims objected to are 3-17, 19/9, 22-29, 30/28, 31/30/28, 32-38, 40/30/28, 43-50, 51/49, 52-58 and 59/49/41.

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1. The abstract of the disclosure is objected to because it fails to set forth a concise statement of that subject matter which applicants consider to be their contribution to the art to which the invention pertains. More specifically, the present abstract merely sets forth that which is already known in the art as evidenced by the prior art cited hereinbelow and applied against the claims at bar. The abstract merely states that which is recited in claim 1, for example. Correction is required. See MPEP § 608.01(b).

2. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

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Where applicable, the abstract should include the following: (1) if a machine or apparatus, its organization and operation; (2) if an article, its method of making; (3) if a chemical compound, its identity and use; (4) if a mixture, its ingredients; (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. Claims 14 and 35 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or

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rewrite the claim(s) in independent form. The claims are improper multiple dependent claims since claim 14 depends from previous multiple dependent claim 11 while multiple dependent claim 35 depends from previous multiple dependent claim 30 by way of dependent claims 32 and 31, respectively. Accordingly, claims 14 and 35 are not being treated on the merits in this office action.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 18, 19/1, 20, 21, 30/20, 39, 40/30/20, 41, 42, 51/41 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Playfair et al.

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With respect to claims 2, 21 and 42, respectively, for examples, it is submitted that it is obvious to one having ordinary skill in the art upon perusal of column 5, line 18 through 8, line 41 of the patent to Playfair et al that all of the claimed structure recited in said claims is disclosed. More specifically, element 20B (Figs 2 and 4) is the tapered portion or lock receiving portion on the sealing member 16 (Fig. 2 and 4) for the toner discharge opening 13 (Fig 3) of the toner accommodating container 11 (Fig 2) which receives a locking force from the image forming apparatus 24 (Fig 2) for locking the locking portion 20D (Fig 2) on said sealing member 16, as recited in claim 2, for example; element 21 (Figs 2 and 3) of same is the portion to be locked provided in said image forming apparatus, as recited in claims 1 and 2, for example, wherein the discharge opening 13 is brought into an open state from a closed state by relative movement of the sealing member relative to the toner accommodating container with said locking portion 20D being in engagement with said portion to be locked, as recited in claims 1 and 2, for example; and the flat surface of the flexible vanes 20C (Fig 2 and 4) of the sealing member 16 is the releasing force receiving portion which receives a releasing force from the image forming apparatus to cause the locking portion to move outward to release engagement between the locking portion 20D and the portion to be locked 21 on the image forming apparatus when the image forming apparatus is moved to the right in Figure 4, as recited in claims 1 and 2, for example. As to claims 18, 39 and 60, respectively, it is submitted that the locking portion 20D is locked with said portion to be locked 21 in a snap fitting manner. As to claims 19/1 and 40/30/20, respectively, for example, it is obvious that the free end of the sealing member is at the

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leading side of the mounting of said container to the image forming apparatus. It is further submitted that the patent to Playfair et al discloses the sealing member as being provided with the locking portion 20D and the releasing force receiving portion 20B, as noted supra, as recited in claim 30/20 and 51/41, respectively.

9. The patents to Ichikawa et al, Kitajima et al, Kato et al and Yahata et al, respectively, are cited of interest to further show the obviousness of providing a sealing member of a toner accommodating container with a locking portion to be locked with a portion to be locked on the image forming apparatus so that the sealing member can be moved between an open state and a closed state.

10. Claim 3-13, 15-17, 19/9, 22-29, 30/28, 31/30/28, 32-34, 36-38, 40/30/28, 43-50, 51/49, 52-58 and 59/49/41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. Any inquiry concerning this communication should be directed to Fred L Braun at telephone number (703) 308-0128.

*Fred L Braun*  
FRED L BRAUN  
PRIMARY EXAMINER  
ART UNIT 2852

F L BRAUN/pj

10/01/03